

JUN 12 2002

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	FINDINGS OF FACT,
DEPARTMENT OF INSURANCE,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
PETITIONER,)	ORDER
)	
vs.)	
)	CAUSE NO.: A-1471
JEFFREY L. WALKER,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 6th day of June, 2002, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance ("Director"). The Nebraska Department of Insurance ("Department") was represented by its attorney, Manuel Montelongo. Respondent Jeffrey L. Walker failed to appear. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance agents/producers and brokers.
2. The Department filed a Petition and Notice of Hearing on May 15, 2002, which was served upon Respondent by mailing the same to his registered address at 19901 Giles Road, Gretna, NE 68028 by certified mail, return receipt requested.

Respondent received the Petition and Notice of Hearing on May 20, 2002, as evidenced by the return receipt card attached to Exhibit 2.

3. In its Petition, the Department alleged that on or about February 27, 2001, Respondent solicited a Standard Life and Accident Insurance Company application for insurance coverage from Lela Sortino of Carter Lake, Iowa. The insurance application was submitted to Standard Life and Accident Insurance Company with the signature of Randi Walker, Respondent's wife, as the licensed insurance agent/producer on the application. Randi Walker was not present when the application was signed by Lela Sortino. Respondent was not an appointed insurance agent with Standard Life and Accident Insurance Company when the solicitation was made.

4. In April 2001, the Corporate Investigations Staff of American National, the parent company of Standard Life and Accident Insurance Company, conducted an investigation into the issuance of policy #50-0250382 after applicant Lela Sortino requested the policy be cancelled. (Exhibit 3). As a result of that investigation, Lela Sortino attested that Respondent solicited the insurance application at her home in Carter Lake, Iowa, and that Randi Walker, the agent who signed the application form, was not the agent who witnessed her signature on the application. In addition, Lela Sortino attested that the application was completed and signed in Carter Lake, Iowa and, at no time, did she travel to Omaha, Nebraska. (Exhibit 3).

5. Jerry G. Bozeman, an employee of American National Insurance Company and investigator for Standard Life and Accident Insurance Company, talked with Respondent regarding the solicitation of the application from Lela Sortino.

Respondent stated that he solicited the application and provided the application to Randi Walker who, in turn, signed the application. (Exhibit 3).

6. Respondent was not an appointed insurance agent of Standard Life and Accident Insurance Company at any time.

7. On or about August 7, 2001, Respondent was ordered to pay an administrative penalty in the amount of \$1,000 in the case of State of Nebraska Department of Insurance v. Jeffrey Walker, Cause No.: A-1428. (Exhibit 4). When Respondent failed to pay that administrative penalty, the Department began proceedings in State of Nebraska Department of Insurance v. Jeffrey Walker, Cause No.: A-1453 in which Respondent's insurance agent's license was suspended until the administrative penalty of \$1,000 is paid. (Exhibit 4).

8. Respondent had not paid the \$1,000 administrative penalty as of June 5, 2002. (Exhibit 1).

9. Respondent's insurance agent license expired as of May 31, 2002. (Exhibit 1).

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of insurance agents/producers pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. Respondent violated Neb. Rev. Stat. §44-4028(6) and Neb. Rev. Stat. §44-4028 (11).

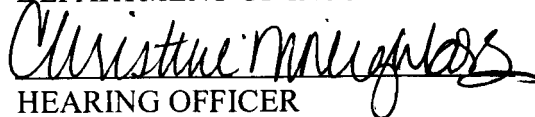
RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be prohibited from re-applying for an insurance producer's license in the

State of Nebraska for a period of three (3) years from the date the Director of Insurance signs this Order. In addition, Respondent must pay the \$1,000 administrative fine related to Cause No.: A-1428 as well as an administrative fine in the amount of \$500.00 related to this matter, Cause No.: A-1471 before any insurance producer's license shall be granted to Respondent.

Dated this 11th day of June, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


HEARING OFFICER

ORDER

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance vs. Jeffrey L. Walker, Cause No.: A-1471.

Dated this 12th day of June, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent at 19901 Giles Road,

Gretna, NE 68028 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid on this 12th day of June, 2002.

Stacey M. Bellfleur